



SUSANA MARTINEZ
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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Acting Deputy

Secretary

Certified Mail - Return Receipt Requested

October 10, 2018

Mr. Michael Salazar
P.O. Box 308
Rancho de Taos, New Mexico 87557

Re: **Mr. Michael Salazar Private Homeowner Construction Site; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection; NPDES #NMU001979; September 20, 2018**

Dear Mr. Salazar:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

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If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at daniel.valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Robert Italiano, NMED Region II



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 7 9 11 12 1 8 0 9 2 0 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1404/9-20-2018	Permit Effective Date 2-16-2017
Private Resident, 67B Torres Rd., Talpa NM 87557 Taos County	Exit Time/Date 1525/9-20-2018	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mr. Michael Salazar/Property Owner/575-770-2637	LAT 36.3299 N	
Name, Address of Responsible Official/Title/Phone and Fax Number	LONG -105.59434 W	
Mr. Michael Salazar, P.O. Box 308, Talpa, New Mexico 87557/Property Owner/575-770-2637	SIC 1522	
	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
U Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- The construction site does not have a permit and no SWPPP was available for review at the time of the inspection on 9/20/2018.
- Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Daniel Valenta /s/Daniel Valenta	NMED/SWQB 505-827-2575	10/9/2018
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Jennifer Foote /s/Jennifer Foote	NMED/SWQB 505-827-2637	10/9/2018

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Further Explanations

Introduction

On September 20, 2018 a Compliance Evaluation Inspection (CEI) was conducted by Daniel Valenta of the NMED SWQB accompanied by Sandra Gabaldon. The construction site entails a 1-acre disturbance located at 67B Torres, Talpa, New Mexico 87557. Mr. Michael Salazar is building a private residency on a one-acre site. The site has been graded and leveled.

An entrance interview was conducted at the site with Mr. Michael Salazar at approximately 1415 on September 20, 2018. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. A brief exit interview to discuss the preliminary findings of the inspection was conducted at the site with Mr. Michael Salazar at approximately 1525 on September 20, 2018. This report is based on a review of the EPA online notice of intent (eNOI) database, review of files maintained by NMED, readily available on-line aerial photographs, on-site observation by NMED personnel, and verbal information provided by the site representative.

The construction side is uphill and close to the Arroyo Miranda. The Arroyo Miranda discharges to the Grande del Rancho AU ID (NM-2120.A_501). The Grande del Rancho is a perennial stream in Water Quality Standard reference 20.6.4.123 in the Rio Grande Basin segment. This AU has a TMDL for specific conductance. The designated uses for this segment are domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Pueblo and Rio Fernando de Taos.

Clean Water Act and Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”*

Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b) (14) (x), as follows: *“Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.”*

Beginning on February 16, 2017 storm water discharges associated with construction activities that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b) (15) (ii).

Permit coverage is required from the “commencement of construction activities” until “final stabilization” as defined in Appendix A of the USEPA’s 2017 Construction General Permit (CGP).

The 2017 CGP, Definitions, Appendix A, states, “Operator” – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

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1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (*e.g. in most cases this is the owner of the site*); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (*e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project*).

This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

Per the 2017 CGP 1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline ⁷	Permit Authorization Date ⁸
Operator of a new site (<i>i.e., a site where construction activities commence on or after February 16, 2017</i>)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (<i>i.e., a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017</i>)	No later than May 17, 2017 .	

Finding:

- Just over one acre of land was disturbed for constructing a private residence. It was estimated the disturbance began around the first of September.
- The site is located close to an uphill of the Arroyo Miranda. There were no BMP's in place around the site however the site was graded in a manner to contain runoff by directing most of the discharge inward.
- Mr. Michael Salazar the property owner and contractor has not applied for or received a Construction General Permit (CGP).

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: September 20, 2018	Time: 1409 hours
City/County: Talpa/Santa Fe		
Location: 67B Torres Rd., Village of Talpa, New Mexico 87557		
Subject: Residential construction site.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: September 20, 2018	Time: 1409 hours
City/County: Talpa/Santa Fe		
Location: 67B Torres Rd., Village of Talpa, New Mexico 87557		
Subject: Residential construction site.		

